

### **REMARKS**

This responds to the Final Office Action dated December 20, 2011.

Claims 27, 31, 32, 35, 38, 57, 65 and 67 are amended, claims 1-26, 30, 36-37, 41-43, 46-53, 56, 59, 66 and 68 were previously canceled; as a result, claims 27-29, 31-35, 38-40, 44-45, 54-55, 57, 58, 60-65, 67 and 69-72 are now pending in this application.

#### **The Rejection of Claims Under § 103**

Claims 27-29, 31-35, 38-40, 44, 45, 54, 55, 57-65, and 69 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlin et al. (US Patent No. 6,119,152, hereinafter “Carlin”), in view of "Domain Names - Concepts and Facilities" (RFC 1034), Fisher et al. (US Patent No. 5,835,896, hereinafter “Fisher”), and Ng et al. (US Patent No. 6,609,133, hereinafter “Ng”).

Applicants respectfully submit that the rejection of claims 27-29, 31-35, 38-40, 44, 45, 54, 55, 57-65, and 69 is defective for the reason that the Final Office Action fails to make a *prima facie* showing of obviousness as is required under 35 U.S.C. § 103.

#### ***Applicable Law***

In rejecting claims under 35 U.S.C. § 103, the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. *See* M.P.E.P. § 2142. Further, “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness”<sup>1</sup>

#### ***Argument***

Applicants believe that the issue of patentability over Carlin in combination with RFC 1034 in combination with Fisher in combination with Ng is best understood with regard to the limitations of claim 38.

Claim 38, as now amended, includes the following limitations:

---

<sup>1</sup> *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), cited with approval in *KSR v. Teleflex*, 127 S. Ct. 1727, 1740-41 (2007), 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval).

*scanning a central database system that stores the listing to identify records in a central database system that have changed, wherein the sales system includes an auction system and responsive to the identifying of the records in the central database system that have changed:*

*modifying a representation of the central database system in memory based on the records identified in the central database system that have changed; and*

*generating the first and second networked interfaces based on the modified representation of the central database system in memory, the scanning being performed automatically and periodically to generate the first and second networked interfaces while the auction system is operating live.*

Although the Final Office Action relies upon the following material from Ng, Applicants note that Ng fails to describe the above quoted limitations from claim 38.

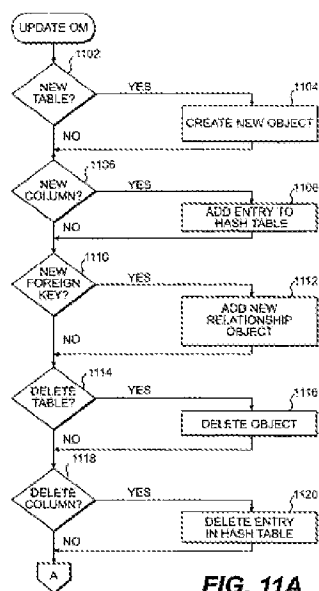


FIG. 11A

2

FIGS. 11A and 11B depict a flowchart of the states performed by the object-relational mapping tool when updating the object model. At this point, the object-relational mapping tool has isolated the changes made to the schema by the database administrator and now needs to update the object model so that the new source code, reflecting both the schema changes and the programmer's customizations, can be generated from the object model. The first state performed by the object-relational mapping tool is to determine if the changes include the addition of a new table (state 1102). In this case, the object-relational mapping tool creates a new object in the object model to represent that table (state 1104). If not, the object-relational mapping tool determines if a new column has been added (state 1106). If a new column has been added, the object-relational mapping tool adds an entry to the hash table representative of that column (state 1108). If not, the object-relational mapping tool determines if a new foreign key has been added to any of the tables (state 1110). If a new foreign key has been added, the object-relational mapping tool adds to the list of relationship objects a new relationship object indicating the new foreign key (state 1112).

If no new foreign key has been added, the object-relational mapping tool determines if a table has been deleted (state 1114). If a table has been deleted, the object-relational mapping tool deletes the corresponding object in the object model (state 1116). If not, the object-relational mapping tool determines if a column has been deleted (state 1118), and if so, the object-relational mapping tool deletes the corresponding entry in the hash table (state 1120).<sup>3</sup>

<sup>2</sup> Ng, FIG. 11A.

<sup>3</sup> *Id.*, col. 8, lines 29-67.

The above material from Ng relates to an object relational mapping tool that updates an object model based on changes made to a database schema. The changes to the database may include an addition of a new table, an addition of a new column, an addition of a new foreign key, a deletion of a table and a deletion of a column.

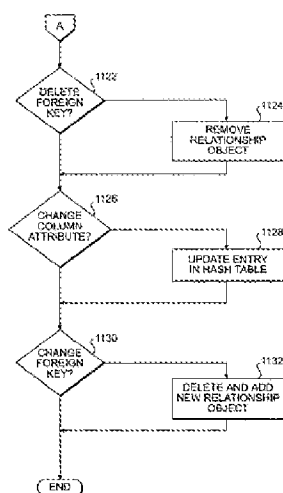


FIG. 11B

4

If, however, a column has not been deleted, the object-relational mapping tool determines if a foreign key has been deleted (state 1122 in FIG. 11B). If a foreign key has been deleted, the object-relational mapping tool removes from the list the relationship object that designates the foreign key relationship (state 1124). If a foreign key has not been deleted, the object-relational mapping tool determines if a change to a column attribute has been made (state 1126). If a change to a column attribute has been made, the object-relational mapping tool updates the appropriate entry in the hash table (state 1128). Next, the object-relational mapping tool determines if there has been a change made to a foreign key (state 1130). If so, the object-relational mapping tool deletes the corresponding relationship object and adds a new relationship object indicating the updated foreign key (state 1132).<sup>5</sup>

The above material from Ng further relates to additional changes made to a database schema. The additional changes include a deletion of a foreign key, a change to a column attribute, and a change made to a foreign key.

Claim 27 recites, “scanning a central database system that stores the listing to identify records in a central database system that have changed, wherein the sales system includes an auction system and responsive to the identifying of the records in the central database system that have changed: modifying a representation of the central database system in memory based on the records identified in the central database system that have changed; and generating the first and second networked interfaces based on the modified representation of the central database system in memory, the scanning being performed automatically and periodically to generate the first and second networked interfaces while the auction system is operating live.” In contrast, the above quoted material from Ng relates to an object relational mapping tool that

<sup>4</sup> Id., FIG. 11B.

<sup>5</sup> Id., col. 9, lines 1-7.

updates an object model based on changes made to a database schema. Specifically, the above material from Ng fails to teach or suggest the quoted limitations for a number of reasons. First, nowhere does the above material from Ng teach or suggest “*the scanning being performed automatically and periodically to generate the first and second networked interfaces while the auction system is operating live.*” That is, Ng does not teach or suggest an “*auction system*” much less the generation of “*first and second networked interfaces,*” as recited by claim 27. Moreover Ng’s tool is utilized by a programmer who, after a database schema has been changed, may wish to update source code to reflect the schema change while maintaining customizations.<sup>6</sup> Accordingly, Ng does not teach or suggest, “*scanning being performed automatically and periodically to generate the first and second networked interfaces....*” Moreover, the purpose of Ng’s tool is to aid software programmers by improving an object-relational mapping tool to integrate customizations to source code and modifications to a database where the customizations of the source code would otherwise be overridden (e.g. eliminated) responsive to a regeneration of the system to accommodate modifications to the database. Accordingly, Ng’s tool cannot possibly teach or suggest “*scanning being performed automatically and periodically while the auction system is operating live...*” for the reason that Ng’s tool is utilized by an operator in an off-line mode who wants to regenerate a system to integrate modifications to a database schema. Ng therefore cannot be said to teach or suggest the above quoted limitation because Ng relates to changes made to a database schema and claim 27 recites, “*scanning a central database system that stores the listing to identify records in a central database system that have changed, wherein the sales system includes an auction system and responsive to the identifying of the records in the central database system that have changed: modifying a representation of the central database system in memory based on the records identified in the central database system that have changed; and generating the first and second networked interfaces based on the modified representation of the central database system in memory, the scanning being performed automatically and periodically to generate the first and second networked interfaces while the auction system is operating live.*” These are distinguishable actions.

The above remarks are also applicable to independent claims 35 and 38.

---

<sup>6</sup> *Id.*, col. 4, lines 33-37.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 28-29, 31-34, 39-40, 44, 45, 54, 55, 57-65, and 69 under 35 U.S.C. § 103 is also addressed by the above remarks.

### *Carlin*

Carlin generally relates to a multi-provider on-line service for remotely-located service providers.<sup>7</sup> “The multi-provider on-line system may be uniquely configured by a plurality of service providers, such that each service provider can offer its own subset of features to its subscribers and customize the appearance of the user interface.” Carlin also fails to teach or suggest the above quoted elements of claim 27 that are missing from Ng. Indeed, the Final Office Action states, Carlin... fail[s] to explicitly teach the publisher subsystem storing an object model representation of the central database system...”<sup>8</sup> Accordingly, Carlin cannot provide what Ng lacks because Carlin also fails to teach or suggest the elements recited by the independent claims of the present application.

### *RFC 1043*

RFC 1043 is a request for comment published by the Network Working Group, a team lead by Steve Crocker, implementing the host-to-host connectivity and switching layers of the protocol stack of the ARPANET,<sup>9</sup> a network that later evolved into the Internet. RFC 1043 also fails to teach or suggest the above quoted elements of claim 27 that are missing from Ng and Carlin. Indeed, the Final Office Action states, RFC 1034... fail[s] to explicitly teach the publisher subsystem storing an object model representation of the central database system...”<sup>10</sup> Accordingly, RFC 1043 cannot provide what Ng and Carlin lack because RFC 1043 also fails to teach or suggest the elements recited by the independent claims of the present application.

---

<sup>7</sup> Carlin, col. 3, lines 10-16.

<sup>8</sup> Final Office Action, page 14.

<sup>9</sup> Internet, [http://en.wikipedia.org/wiki/International\\_network](http://en.wikipedia.org/wiki/International_network) (2010).

<sup>10</sup> Final Office Action, page 14.

### *Fisher*

Fisher relates a system and method for conducting multi-person interactive auctions in a variety of formats. The system allows a group of bidders to interactively place bids over a computer or communications network that are subsequently recorded by the system. When appropriate, the system closes the auction from further bidding and notifies the winning bidders and losers as to the auction outcome. Fisher also fails to teach or suggest the above quoted elements of claim 27 that are missing from Ng, Carlin and RFC 1034. Indeed, the Final Office Action states, Fisher ... fail[s] to explicitly teach the publisher subsystem storing an object model representation of the central database system...”<sup>11</sup> Accordingly, Fisher cannot provide what Ng, Carlin and RFC 1034 lack because Fisher also fails to teach or suggest the elements recited by the independent claims of the present application.

### *Claims 66 and 67*

Claims 66 and 67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlin, RFC 1034, Fisher, Ng and U.S. Patent 6,032,153, (hereinafter Sadiq).

Applicants respectfully submit that the rejection of claims 66 and 67 is defective for the reason that the Final Office Action fails to make a *prima facie* showing of obviousness as is required under 35 U.S.C. § 103.

As mentioned above, neither Carlin nor RFC 1034 teach or suggest the quoted elements of the claims 27, 35 or 38.

### *Sadiq*

Sadiq relates a system a method for maintaining persistence in a shared object system. Sadiq also fails to teach or suggest the above quoted elements of claim 27 that are missing from Ng, Carlin, RFC 1034 and Fisher. Accordingly, Sadiq cannot provide what Ng, Carlin and RFC 1034 and Fisher lack because Ng also fails to teach or suggest the elements recited by the independent claims of the present application.

---

<sup>11</sup> Final Office Action, page 14.

Claims 66 and 67 depend on independent claim 27. If an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of claims 66 and 67 under 35 U.S.C. § 103 is also addressed by the above remarks.

In summary, a person having ordinary skill in the art, having carefully considered Ng, Carlin, RFC 1040, and Fisher whether alone or in combination, would not conclude the limitations of the independent claims are obvious as is required to support a *prima facie* case of obviousness in rejecting of the independent claims of the present application under 35 U.S.C. § 103.

**CONCLUSION**


Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone the undersigned at (408) 278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402--0938  
(408) 278-4046

Date June 8, 2012

By   
Mark R. Vatuone  
Reg. No. 53,719